

DALE MAISANO,

Plaintiff,

V.

UNITED STATES ATTORNEY GENERAL
ERIC HEMPTON HOLDER, JR., *et al.*,

Defendants.

Case No. 3:13-mc-0063

3:13-cv-0778

Judge Trauger

ORDER

Pro se plaintiff Dale Maisano, a prisoner at the Arizona State Prison in Tucson, has filed yet another lawsuit in this court. However, it is unclear whether he intended to file his newest complaint in this court at all, because the case caption indicates he intended to file it in the United States District Court for the District of Arizona.

In any event, the complaint was not submitted with either the \$400.00 filing fee or an application to proceed without prepaying costs or fees. Moreover, the complaint is not in compliance with the Order and Restraining Order entered by Senior United States District Judge Stephen M. McNamee on August 11, 1992 in an attempt to curtail the plaintiff's voluminous frivolous filings.¹ Among other things, Judge McNamee's order enjoins Maisano from filing any civil action in the United States District Court for the District of Arizona, *or any other federal court*, without first obtaining leave of the court. *See Maisano v. Lewis*, CIV 92-1026-PHX-SMM (MS) (D. Ariz. Aug. 11, 1992) (Order and Restraining Order).

In addition, the Restraining Order states that, to obtain leave to file, the plaintiff must file an “Application Pursuant to Court Order Seeking Leave to File” accompanied by an affidavit certifying: (1) “that the claim or claims he wishes to present are new and have not been raised and disposed of on the merits by any federal court”; and (2) “that to the best of his knowledge the claim or claims are not frivolous or taken in bad faith.” Restraining Order at 5. The plaintiff is all required to attach to all complaints “a list

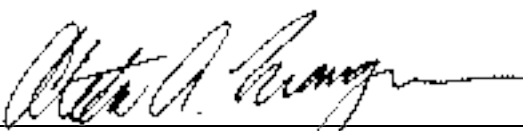
¹ As of August 2, 2013, Maisano had filed almost 600 civil lawsuits in federal court (most in the District of Arizona), over 200 of those just since June 1, 2013, according to PACER, a national database of federal court filings.

of all cases previously filed involving similar or related causes of action.” *Id.* Any application seeking leave to file must be accompanied by a copy of the Restraining Order, and “[f]ailure to comply strictly with [its] terms . . . will be sufficient ground to deny leave to file.” *Id.*

The plaintiff made no attempt with his current filing to comply with the Restraining Order. Accordingly, the present complaint is hereby **DISMISSED WITHOUT PREJUDICE** for failure to comply strictly with the terms of the Restraining Order.

The Clerk is **DIRECTED** to enter assign a civil action number to this case, to enter judgment and to close the case, in accordance with Rule 58, Fed. R. Civ. P.

It is so **ORDERED**.


Aleta A. Trauger
United States District Judge